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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,353	11/03/2003	Karen M. Daidone	G08.064	5240
28962 7590 03/04/2008 BUCKLEY, MASCHOFF & TALWALKAR LLC 50 LOCUST AVENUE NEW CANAAN, CT 06840				
EXAMINER				
LIU, ALAN Y				
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3691				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/700,353

Applicant(s)

DAIDONE ET AL.

Examiner

ALAN LIU

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-9 and 11 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 25 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This communication is a second Office Action Final rejection on the merits. Amendment received on 1/10/2008 has been acknowledged. Claim 10 has been cancelled. Claim 1 has been amended. Claim 11 has been added. Claims 1-9 and 11 are pending and have been considered below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 2, and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman et al. (2002/0082991) in view of Nelson (6,032,132).**

As per claim 1, Friedman et al. discloses a method of identifying billing discrepancies (Abstract), comprising:

receiving billing data from a billing entity, said billing data including an assessed fee and call details associated with each of a plurality of calls made by a customer (page 2, paragraph 0032; page 3, paragraph 0036);

identifying, based at least in part on said call details received from said billing data, rate information associated with said customer (page 3, paragraph 0044);

generating an expected fee for each of said plurality of calls (page 3, paragraph 0044);

comparing, for each of said plurality of calls, said expected fee with said assessed fee to identify discrepancies (page 3, paragraph 0044);

running queries against call details associated with calls having discrepancies to determine whether overall charge for the calls having discrepancies varies based on length of each of the calls having discrepancies (page 3, paragraph 0044, via effective rate based on usage is compared to what should have been charged, where misapplication of a time dependent rate would result in a proportional discrepancy);

characterizing at least one of the discrepancies as resulting from misapplication of a time dependent charge if a proportion of the discrepancies does not vary with length of the calls having discrepancies (page 3, paragraph 0044, via effective rate based on usage is compared to what should have been charged, where misapplication of a time dependent rate would result in a proportional discrepancy).

However, Friedman et al. fails to expressly disclose generating a database of the discrepancies.

Nelson teaches a telecommunications access cost management system with a database of discrepancies (col. 2, lines 43-46, via discrepancies are recorded in the production database).

From this teaching of Nelson, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of identifying billing discrepancies of Friedman et al. to include a database of discrepancies as taught by Nelson in order to better keep track of the different billing discrepancies.

As per claim 2, Friedman et al. discloses analyzing each discrepancy to determine if each discrepancy is a billing error (page 3, paragraph 0044).

As per claim 8, Friedman et al. discloses generating a set of discrepancies identified as billing errors (page 7, paragraph 0084).

As per claim 9, Friedman et al. discloses communicating said set of discrepancies identified as billing errors to said billing entity (page 7, paragraph 0084).

3. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman et al. in view of Nelson as applied to claim 2 above, and further in view of Zai (6,975,208).

As per claim 3, the Friedman and Nelson combination discloses all elements of the claimed invention as written above, but fails to expressly disclose analyzing the difference between said expected fee and said assessed fee to identify a pattern associated with a known surcharge.

Zai teaches a variable alarm for communication devices where service providers typically bill their customers using a combination of fixed fees and variable charges (col. 1, lines 21-31).

From this teaching of Zai, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of identifying billing discrepancies of the Friedman and Nelson combination to include billing with a combination of fixed and variable fees as taught by Zai because in order to identify a billing discrepancy with a known surcharge, or incorrectly applied fixed fee, it is old and

well known in the art to look at differences between expected and actual amounts to see if there was a consistent difference.

As per claim 4, the Friedman and Nelson combination discloses all elements of the claimed invention as written above, but fails to expressly disclose analyzing discrepancies associated with said billing data to identify discrepancies associated with fixed charges.

Zai teaches a variable alarm for communication devices where service providers typically bill their customers using a combination of fixed fees and variable charges (col. 1, lines 21-31).

From this teaching of Zai, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of identifying billing discrepancies of the Friedman and Nelson combination to include billing with a combination of fixed and variable fees as taught by Zai because fixed charges are one of two types of charges and might be incorrectly applied on a bill creating a discrepancy.

As per claim 5, the Friedman and Nelson combination discloses all elements of the claimed invention as written above, but fails to expressly disclose analyzing discrepancies associated with said billing data to identify discrepancies associated with time-based charges.

Zai teaches a variable alarm for communication devices where service providers typically bill their customers using a combination of fixed fees and variable charges (col. 1, lines 21-31).

From this teaching of Zai, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of identifying billing discrepancies of the Friedman and Nelson combination to include billing with a combination of fixed and variable fees as taught by Zai because time-based, or variable, charges are the other type of charge and might be incorrectly applied on a bill creating a discrepancy.

4. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman et al. in view of Nelson as applied to claim 1 above, and further in view of Michaels (6,240,167).

As per claim 6, the Friedman and Nelson combination discloses all elements of the claimed invention as written above, but fails to expressly disclose said billing data further includes rate information identified by said billing entity for each of said plurality of calls.

Michaels discloses said billing data further includes rate information identified by said billing entity for each of said plurality of calls (col. 14, lines 25-29 and 46-52).

From this teaching of Michaels, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of identifying billing discrepancies of the Friedman and Nelson combination to include that the billing data includes rate information for each of the plurality of calls taught by Michaels because rate information is necessary to calculate the total amount to charge a customer.

As per claim 7, the Friedman and Nelson combination discloses all elements of the claimed invention as written above, but fails to expressly disclose said identifying includes generating a set of customer data including said call details, said rate information associated with said customer, and said expected fee.

Michaels discloses said identifying includes generating a set of customer data including said call details, said rate information associated with said customer, and said expected fee (col. 14, lines 46-52).

From this teaching of Michaels, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of identifying billing discrepancies of the Friedman and Nelson combination to include generating a set of customer data including the call details, the rate information associated with the customer, and the expected fee taught by Michaels because generating all of this information facilitates the error-checking process by providing details on how everything is calculated.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman et al. in view of Nelson and Reding et al. (5,822,414).

As per claim 11, Friedman et al. discloses a method of identifying billing discrepancies (Abstract), comprising:

receiving billing data from a billing entity, said billing data including an assessed fee and call details associated with each of a plurality of calls made by a customer (page 2, paragraph 0032; page 3, paragraph 0036);

identifying, based at least in part on said call details received from said billing data, rate information associated with said customer (page 3, paragraph 0044);

generating an expected fee for each of said plurality of calls (page 3, paragraph 0044);

comparing, for each of said plurality of calls, said expected fee with said assessed fee to identify discrepancies (page 3, paragraph 0044).

However, Friedman et al. fails to expressly disclose generating a database of the discrepancies.

Nelson teaches a telecommunications access cost management system with a database of discrepancies (col. 2, lines 43-46, via discrepancies are recorded in the production database).

From this teaching of Nelson, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of identifying billing discrepancies of Friedman et al. to include a database of discrepancies as taught by Nelson in order to better keep track of the different billing discrepancies.

However, the Friedman and Nelson combination fails to expressly disclose running a query to identify discrepancies of substantially a fixed amount to identify calls placed from a public pay phone.

Reding et al. teaches a method and apparatus for automating telecommunications class charging and for reducing operating errors with billing errors associated with pay phone calls (col. 1, lines 25-29, via pay phone call class type; col.

1, lines 46-54, via billing errors where a call may go unbilled or incorrect class charge information is entered).

From this teaching of Reding et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of identifying billing discrepancies of the Friedman and Nelson combination to include pay phone call billing errors as taught by Reding et al. because they are a type of call that may be billed incorrectly creating a discrepancy.

Response to Arguments

6. Applicant's arguments filed 1/10/2008 have been fully considered but they are not persuasive. In the remarks, Applicant argues that Zai does not disclose analyzing a difference between an expected fee and an assessed fee.

In response to the argument, Examiner respectfully disagrees. Zai teaches billing customers with a "combination of fixed access fees and variable charges" (col. 1, lines 21-23). As the Friedman and Nelson combination disclosed a method of identifying billing discrepancies, it would have been obvious to one of ordinary skill in the art to include the two types of fees as taught by Zai and identify discrepancies associated with either of the two types. It is old and well known in the art to identify a billing discrepancy for a fixed charge by checking if there is a constant difference between the expected and assessed amounts. Additionally, if the difference is not constant, a billing discrepancy for a variable, or time-based, charge would be suspected.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kim et al. (2004/0081302) discloses a method for divisional billing.

Majewski et al. (2002/0129039) discloses an error usage investigation and disposal system.

Pintsov (2003/0036918) discloses a system and method for trusted self-billing and payment for utilities including audit, verification, reconciliation and dispute resolution.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LIU whose telephone number is (571)270-5113. The examiner can normally be reached on Monday through Thursday, 8:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AL

/Hani M. Kazimi/
Primary Examiner, Art Unit 3691